

REMARKS

In the Official Action of July 13, 2001, an informality was noted in the Abstract and the informal nature of the drawings was noted. Claims 3-4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and claim that which Applicant regards as the invention, and claims 1 and 3-15 were rejected under 35 U.S.C. 102 the Mirochnitchenko, *et al.*, Miyata, *et al.*, or Inouye, *et al.* references. For the following reasons, these rejections are respectfully traversed.

When the Abstract was objected to, the Rules of Practice called for submission of amendments on a separate page, but 37 C.F.R. 1.121 has since been amended to require that amendments to the specification and/or claims be set out ("embedded") in the response in the manner set out above. Withdrawal of the objection to the Abstract is therefore respectfully requested.

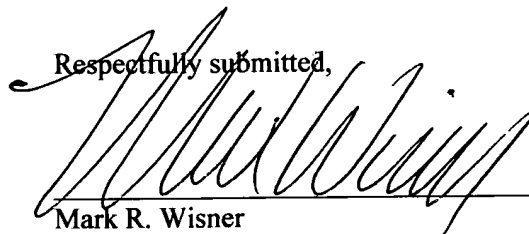
Responsive to the §112 rejection, Applicant has amended claims 3 and 4 as set above so that they now depend upon claim 1. Reconsideration and withdrawal of the §112 rejection is respectfully requested in light of these amendments.

With respect to the §102 rejection of claims 1 and 3-15, Applicant is unable to find any mention of certain claimed elements in these references such that, as far as Applicant can tell, the cited references do not anticipate claims. Applicant has carefully reviewed the specific portions of the cited references to which attention was directed in the Official Action of July 13, 2001 and cannot find any disclosure of such elements as a primer binding site, a primer binding site that is located in a 3' position relative to an inverted tandem repeat, a sequence complementary to a sequence of interest that is flanked by 3' and 5' complementary sequences comprising an inverted tandem repeat, production of ssDNA *in vivo*, a sequence coding for a sequence having enzymatic activity, or a sequence with enzymatic activity that is located in a certain position relative to the other elements called out in claim 1. Similarly, Applicant is unable to find the elements recited in dependent claims 3-15 in the cited references. None of the references appear to disclose a eukaryotic promoter for the RT gene (claim 4), a nucleic acid sequence that forms a stem-loop intermediate after expression in the cell (claim 5), a second sequence of interest (claims 6-8), a eukaryotic promoter for the sequence of interest (claims 9-10), an mRNA transcript of the nucleic acid sequence (claims 11 and 13-15), or a cell including the mRNA transcript (claim 12). Because Applicant is unable to find these claimed elements in the cited references, Applicant traverses the §102 rejections of claims 1 and 3-15 and respectfully requests reconsideration and withdrawal of the §102 rejections of those claims.

Before concluding, and in accordance with MPEP 2001.06(b), Applicant directs attention to Applicant's co-pending applications Serial Nos. 09/169,793 and 09/397,782. Serial Nos. 09/169,793 and 09/397,782 are the parent applications of the captioned application, and in directing attention to these parent applications, Applicant is not admitting that they are prior art to the claims of the captioned application.

Entry of the above amendments, reconsideration and withdrawal of the §112 and §102 rejections, allowance of the claims, and passage of the application to issuance are all respectfully requested. In the unforeseen event that there are questions regarding this application, it is respectfully requested that Applicant's counsel be contacted at the address and telephone number set out below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Wisner', is written over a horizontal line.

Mark R. Wisner

Registration No. 30,603

1177 West Loop South, Suite 400

Houston, Texas 77027-9012

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: July 12, 2005